

AR 002
3D1

114151

PIPER & MARBURY
L.L.P.

CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3018
410-539-2530
FAX: 410-539-0489

WASHINGTON
NEW YORK
PHILADELPHIA
EASTON

WM. ROGER TRUITT
(410) 576-2380
FAX: (410) 576-1640

July 16, 1996

VIA FACSIMILE AND REGULAR MAIL

Mary E. Rugala, Esquire
Sr. Assistant Regional Counsel
U.S. EPA, Region III
841 Chestnut Building
Mail Code 3RC22
Philadelphia, PA 19107

Re: Keystone Sanitation Landfill Site - OU-2 Sampling

Dear Mary:

Enclosed please find copies of articles from the June 13, 1996 Baltimore Sun (Carroll County edition) and the July 10, 1996 Gettysburg Times recently forwarded to me in which Chris Corbett is quoted as saying that Keystone Sanitation Landfill OU-2 sampling has shown "additional homes that have been impacted by contaminates (sic) that are related to the landfill," that "[t]hose homes are near the landfill, and a direct connection to the Superfund site is likely, because those contaminates (sic) were found at the landfill," and that "[i]t's a direct correlation . . . [between] contaminants in the off-site wells (and) the on-site wells." Mr. Corbett's comments apparently were based upon the latest round of residential well sampling which, according to the summary information you forwarded to me on June 27, indicated one residential well with a very low level of vinyl chloride and two other residential wells showing trace amounts of pentachlorophenol ("PCP"). Mr. Corbett apparently believes that these data suggest "mounting evidence that contamination [has] moved off-site."

My clients and I were very surprised and dismayed to read these press accounts. I understand that on July 11, 1996 Mr. Corbett personally advised [REDACTED] the Noels' tenants and the occupants of the home with the well reported by EPA to exhibit the highest level of PCP, that a re-test two weeks earlier showed no trace

AR324310

Mary E. Rugala, Esquire

July 16, 1996

Page 2

of PCP in their well. Mr. Corbett reportedly told Mr. and Mrs. [REDACTED] that their drinking water was fine and that they could discontinue using the bottled water he had recommended after the March 1996 sample indicated the presence of PCP. Despite this apparent acknowledgment that there was no PCP problem at the [REDACTED] residence, Mr. Corbett either forgot to mention this important piece of information to the Gettysburg Times reporter or was misquoted. In either event, the article is very misleading, and I respectfully request that EPA provide a full explanation to my client and to the Gettysburg Times so that this apparent misinformation will not alarm the public and create unwarranted anxiety for my clients.¹

In addition, Mr. Corbett apparently stated to the media that PCP had been found by EPA in groundwater at the Keystone Sanitation Landfill in earlier testing. I have carefully reviewed the July, 1990 Remedial Investigation ("RI") and the September 30, 1990 Record of Decision for the Keystone site and find no reference to pentachlorophenol or PCP in any residential or monitoring well even though at least 42 wells were tested as part of the RI, nor was it identified as a contaminant of concern at the site. Please advise what other data, if any, EPA has collected "from the landfill" that shows PCP to be originating from waste contained at the site so that my clients can better understand Mr. Corbett's concerns and take any necessary action with regard to their tenants' wells.

It is interesting that neither of the enclosed newspaper articles mentions that the one well located nearly one-half mile from the landfill in which vinyl chloride was reportedly detected in the March 1996 sampling round is: (1) side-gradient to the documented direction of ground water flow (southwest to northeast); and (2) more distant from the landfill than at least three intervening residential wells (RW-04, RW-11 and RW-07), that apparently did not have any detections of vinyl chloride. See enclosed Halliburton NUS chart entitled "Keystone Landfill Residential Wells Sampled During October 1995 - December 1995 and March 1996 Sampling Events." Moreover, according to the summary information you forwarded to me on June 27, not one of the

¹ Although the Baltimore Sun article briefly notes that "[t]he chemicals did not appear in detectable levels in follow-up tests," it and Mr. Corbett's statements focus upon the March 1996 test results which Mr. Corbett apparently believed had been superseded when he recommended that the [REDACTED] discontinue their use of bottled water on June 11.

AR324311

Mary E. Rugala, Esquire
July 16, 1996
Page 3

other 67 residential wells tested during five rounds of sampling data collected over the past two years has indicated elevated levels of vinyl chloride. This one detection, apparently not replicated in follow-up sampling, appears to be an anomaly and may be related to any plastic well casing or piping that is associated with this new residence. Please explain how EPA could report to the press that "a direct connection to the Superfund site is likely" (emphasis added) from this one sample, when so much more evidence contradicts this conclusion.

Your June 27 letter provided certain information about EPA's OU-2 residential sampling, including results from the March 1996 sampling round which reported PCP in [REDACTED] well (RW-13). Although we understand that Mr. Corbett advised the [REDACTED] more than two weeks earlier (on June 11, 1996) that confirmatory sampling had demonstrated that the water was safe to drink, your letter makes no mention of that very relevant piece of information. In addition, your letter did not transmit the "original laboratory data" that I had requested earlier by telephone. Please advise whether all laboratory information, which would include original laboratory data sheets, duplicate and field blank sample results and data validation reports, are available in the community repositories and distributed at the Task Force meetings, as your June 27 letter implies. Please note that I have been advised that the Keystone Remediation Committee's consultant (EA Engineering, Science and Technology) was not present at the July 11 Task Force meeting and therefore did not hear Mr. Corbett's remarks and did not receive the residential well sampling information you forwarded on June 27. If the "original laboratory data" is not available at the repository, I hereby request that all such information regarding the three residential well samples discussed in the enclosed newspaper articles, including the March 1996 sampling round and all follow-up or confirmatory samples analyzed for these wells, be provided to me as soon as possible. If necessary, please treat this request under the Freedom of Information Act. Please call to advise where and when this data can be reviewed and/or picked up.

As I think you will agree, my clients have cooperated with all of EPA's requests to sample their tenants' residential wells, the Buchart-Horn wells and your recent request to sample the "K" wells, all of which on the Noels' property. It is my understanding that your June 27 letter agrees to release the results of these recent sampling efforts to me, on behalf of my clients, at the same time as they are provided to the Task Force. If this information does not include the original laboratory materials, including data validation reports, I request that such information be provided simultaneously so that our consultants can quickly evaluate its validity and be prepared to respond to EPA's

AR324312

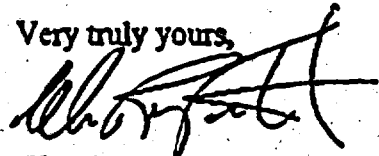
PIPER & MARBURY
LLP

Mary E. Rugala, Esquire
July 16, 1996
Page 4

characterizations of the data as it is presented to the Task Force and/or the media. Moreover, I think it is only fair that when well monitoring data or other technical information is supplied to the Task Force or media by Agency personnel, all currently available and relevant information (including sample results tending to contradict the proposition being presented) be provided so that the recipient can properly evaluate and draw informed conclusions about the meaning of all of the data. Please confirm that the Agency will follow this practice in the future and place my name on EPA's notification list for all future meetings of the Task Force.

I took the time to write this letter because of the gravity of this matter, and because I could not reach you or Joseph Donovan (your supervisor identified in your June 27 letter) by telephone. I look forward to receiving copies of the original laboratory data requested above and written assurances that the information in the enclosed articles will be clarified by the Agency in written communications to the Task Force and the affected media. Thank you in advance for your assistance.

Very truly yours,



Wm. Roger Truitt

WRT/edf
Enclosures

cc: Joseph Donovan, Esquire
Mr. and Mrs. Kenneth Noel
Mr. Timothy Saylor
John E. Griffith, Jr., Esquire

AR324313

GETTYSBURG TIMES, WEDNESDAY, JULY 10, 1996

Landfill clean-up will include some residential areas

BY ROBERT HOLY
Times Staff Writer

SILVER RUN, Md. — Even as a cleanup design was reviewed Tuesday night for the Keystone Sanitation Co. landfill Superfund site in Adams County, a federal official said he will recommend some cleanup plan for surrounding residential areas.

Christopher Corbett, the Environmental Protection Agency's KSC project engineer, said after a landfill task force meeting that officials confirmed in 1990 there was off-site contamination.

"It's more of a continuation. I think the operable unit one record of decision they made the statement there was off-site contamination," Corbett said.

"What we've seen through the sampling of operable unit two is additional hits, additional homes that have been impacted by contaminants that are related to the landfill," he said.

The latest rounds of sampling showed a home with levels of vinyl chloride, and two homes showed new off-site traces of Pentachlorophenol (PCP) at two homes.

Those homes are near the landfill, and a direct connection to the Superfund site is likely, because those contaminants were found at the landfill, he said.

The PCP levels at homes around the landfill is new, suggesting mounting evidence that contamination moved off-site, Corbett said.

The EPA engineer said he is not sure what will be recommended in the clean-up plan that will be released in January or February.

"When the proposed plan comes out we'll have a cleanup plan outlined," he said.

Final sampling in residential areas around the landfill, which has been going on for more than a year, should be done in August.

Corbett said draft reports should be finished by late November or early December.

The cleanup plan will include recommendations for protection of groundwater and residents in Pennsylvania and Maryland.

"There will be various alternatives that will be evaluated," he said.

But even if the final report comes out as planned early next year, it could be some time before any action occurs if the process goes at the pace as cleanup at the landfill.

The KSC task force members got their first look at the design for a treatment plant that will purge contaminants from water at the landfill.

Peter Pellissier, project manager for E.A. Engineering, Science and Technology in Sparks, Md., showed the task force plans for a pump and treatment system that EPA officials want in operation by December 1997.

Corbett said the public comment period for the design runs through Aug. 19, with a public meeting to explain the plans in September or October.

He said the public meeting on the construction plans should not be held until the company that wins the bid is available to outline plans.

That drew objections from task force members, who say the meeting will be too late for public input.

But Corbett said some plans can be adjusted to accommodate public concerns.

At the same time, the task force is opposing efforts by the landfill owners to eliminate plans to cap the site.

The task force is planning to send EPA officials a letter today saying they will agree to a plan to delay capping the site.

But for that agreement, they want the landfill owners and EPA will to provide alternative water sources such as filters and bottled water and a buffer zone for protecting residential areas.

Corbett said the best the landfill owners can hope for is a delay of capping the site, because a cap on the landfill is required by Pennsylvania environmental laws.

AR324314

UN

Section B

Carroll County

Carcinogens in wells tied to landfill

EPA tests indicate
first direct link
to Superfund site

'A pretty strong argument'

Keystone, now closed,
is just across
state line in Pa.

BY A STAFF WRITER

Cancer-causing chemicals that were found in residential wells near Keystone Sanitation Landfill may have provided the first direct link between toxic chemicals buried at the Superfund cleanup site and neighboring water supplies.

High levels of vinyl chloride turned up in one well and pentachlorophenol in two others in March tests on about 70 residential wells that the federal Environmental Protection Agency has monitored regularly since February 1994. The chemicals did not appear in detectable levels in follow-up tests two weeks ago, but experts say such an erratic pattern is not uncommon.

Both chemicals have been present in the past at even higher levels in monitoring

wells at the closed landfill, said Christopher J. Corbett, the EPA's project manager for the site.

Keystone, a private operation in Adams County, Pa., across the border from Carroll County, was added to the EPA's Superfund list in 1987.

"The vinyl chloride and PCP in wells close to the landfill, to me that makes a pretty strong argument that they are from the landfill," Corbett told a Keystone task force at its meeting Tuesday. The group of local government officials and residents monitors the cleanup effort.

In the [See Landfill, 68]

Modell defends stadium design

and her late husband's sur-
to a neighboring boutique.

next door, will expand into the second and third floors of the Nyborgs' building. Nyborg will retain ownership of the property.

"Our store is growing, and we thought about opening a second one in Georgetown," said Steve Appel, a partner in Nouveau, which for 10 years has trafficked in quality kitsch. "But we decided to come to Charles Street. The rents are reasonable and the landlords here are used to having you. In Georgetown, you're lucky if they take you." The expanded Nouveau will display more bedding and bigger pieces of furniture. [See Nyborgs, 11a]

AR324315

Page 6a : Thursday, June 13, 1996 : The Sun in Carroll

COUNTYWIDE

Carcinogens in Pa. wells linked to closed landfill

(Landfill, from Page 1a)

past, the EPA and Pennsylvania and Maryland health officials have said that contaminants in wells near Keystone could have come from other sources.

With the recent findings, Corbett said, "It's a direct correlation. We're seeing contaminants in the off-site wells that are in the on-site wells."

The contaminated wells are in Pennsylvania. EPA officials would not identify the property owners. Corbett said the homeowners had been notified of the test results.

Vinyl chloride, a solvent used in making plastics, was present in amounts five times higher than the EPA's "action level" in a well at a house Corbett described as "fairly new construction." The house is within 2,500 feet of the landfill.

When a contaminant reaches the action level in samples taken from a public water supply, the EPA requires the municipality to

reduce the amount of the contaminant to safe levels for drinking.

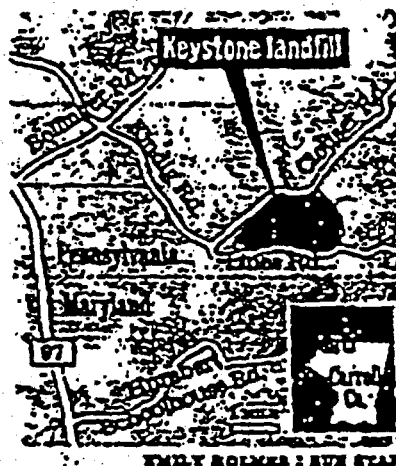
Pentachlorophenol, which is used in wood preservatives, was present in another well at 25 times the level that the EPA rates as risky for tap water. That well is near the landfill's eastern edge.

At a third well, near the landfill's northern border, pentachlorophenol was detected at nearly double the risk level, which EPA considers a less-serious concern.

The government doesn't regulate private water supplies the way it regulates public systems.

"You put the person on notice, give him sufficient information that he can make a reasonable decision, which may be to treat the water or may be to bring in bottled water," said Charles L. Zeleski, assistant director of environmental health for the Carroll County Health Department.

The high levels of the chemicals would have prompted the EPA to



THAT HOLMES: SUN STAFF

supply the affected homeowners with bottled water or well filters if follow-up tests had shown the same results, Corbett said.

"It's not surprising with a site like the Keystone landfill, that is such a nonhomogenous source, that you don't see contaminants at the same time at the same wells," Corbett said. "I think the important thing when you see contaminants out in residential wells is to look back at the landfill and see if the landfill is a potential source — and also to look at the potential for transport. — I think the case for these two is very strong."

Hamp

Council backs of surplus fund

BY A SUN STAFF WRITER

The Hampstead unanimously a \$1,210,060 budget for the first time in history, passed a long improvement plan.

The four-year \$1 budget includes revenues dating to cates money to pr pairs, water systems and expar facilities.

"We do have around and we do and we're in a go throw money at th Hampstead Mayo M. Nevin said at T Council meeting.

School board rejects video, 2 pamphlets

(Board, from Page 1a)

pamphlets also presume sexual activity, he said. For example, the pamphlet for boys says to always assume your girlfriend is not using birth control.

"There's a presumption of the sex act," Stone said.

Ballard said she voted against the pamphlets because she thought they were too strong for the school. The pamphlets are proposed for seventh grade.

Mish said he was less concerned about the pamphlets, because they are not as powerful as a video, but he supported Stone's

provide information on preventing pregnancy and disease.

"Obviously there are kids who are going to be sexually active," Mish said. "But I don't think we need to make them the focus of the program."

At the board's request, Gary Dunkleberger, assistant superintendent, drafted the abstinence policy in 1988 when he was director of curriculum.

"We cannot choose to teach abstinence only," Dunkleberger said. "We are required by (Maryland state law) to go beyond that. That's really what our policy says. If you look at it."

The policy reads: "While the in-

to students as the most appropriate choice." In addition to the parent panel, all parents are notified when new materials come up for review and can view them before the school board votes.

State law requires that parents be notified of family life unit classes and allows them to exclude their children. But in Carroll, parents must request that their children participate in the classes and sign a permission form. Nearly 100 percent of students take the courses, Dunkleberger said.

Commission changes d for its me

This month's Hing and Zonin meeting has been r

The commission p.m. Tuesday, inst at Town Hall, 1034

Information: 231

Church news

Lazarus United Christ: Father's L

AR324316

